

Reversal Revives Soucek ETJ Bill; House to Vote Today

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There was a dramatic reversal in the North Carolina House of Representatives yesterday, as State Senator Dan Soucek's bill to strip Boone of its powers of extraterritorial jurisdiction, rejected late Monday, was revived and passed in the House Government Committee. It may be that a Raleigh TV report on the bill's demonstration of a Republican rift may have led to the bill being reconsidered after it was considered dead less than a day before. Boone Mayor Andy Ball said the reconsideration came at the insistence of Representative Jonathan Jordan, the area's representative from Ashe, while others called the reconsideration a procedural trick. Now, a third reading of the bill is all that stands in the way of Boone being stripped of its ETJ powers, and that vote could come mid afternoon today. If that passage comes in the Republican dominated chamber, leaders of both houses would then have to sign off on the bill, and it would be enacted January 1st 2015. Local bills do not require the Governor's signature. WRAL-TV called the first vote Monday evidence of a split in the Republican party as Rep. Edgar Starnes, a Caldwell Republican who was not on the committee, attended the meeting and spoke against the bill, warning that it would ultimately hurt existing property values. Starnes said, "This would be the only time in the history of North Carolina that we have removed a town's ETJ authority," and he called it, "A dangerous precedent." Several establishment Republicans, including Rep. Mitch Setzer of Catawba County voted against the bill in the Monday vote, while the station said that other Republicans excused themselves from the room and did not vote Monday. But those representatives returned for the called vote Tuesday as the bill passed 18 to 16. Mayor Andy Ball, after relishing the action taken Monday, found himself and the Boone Town Council facing a new reality. He issued a statement saying, "The Town of Boone is extremely disappointed in today's action in the NC House to advance Senate Bill 865. If passed, this would be the first time in history the State of North Carolina takes zoning authority from a municipality." He said, "Senator Soucek has yet to provide an example to justify his inflammatory comments against the Town of Boone, or explain his failure to notify the Town of Boone before introducing it, allowing the Council an opportunity to hear and address any concerns." He continued, "Council will now be forced to immediately reconsider all water policies in light of this bill becoming law, and consider whether water can continue to be provided to Boone ETJ properties or any unincorporated areas of the county. We are awaiting a detailed legal opinion on this bill's impact on residents of the Boone ETJ, and will continue to work to protect these property owners as we are able."